



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 28, 1997

Ms. Myra A. McDaniel
Bickerstaff, Heath, Smiley, Pollan,
Kever & McDaniel, L.L.P.
1700 Frost Bank Plaza
816 Congress Avenue
Austin, Texas 78701-2443

OR97-0451

Dear Ms. McDaniel:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 104431.

The Austin Independent School District (the "district"), which you represent, received an open records request for an offense report held by the district's police department pertaining to an alleged assault by a student against a district school teacher. You contend that portions of the offense report are excepted from required public disclosure under section 552.108 of the Government Code.¹

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue come within the purview of section 552.108, we conclude that much of the information at issue may be withheld under this section.

¹Because you do not contend that the offense report is excepted from required public disclosure under sections 552.026 and 552.114, we will assume, without deciding, that the offense report is not an "education record" made confidential under the Family Educational Rights and Privacy Act of 1974. 20 U.S.C. § 1232g.

We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the types of information that are considered to be front page offense report information, including the identity of the complainant/victim and a *detailed* description of the offense, even if this information is not actually located on the front page of the offense report. We have enclosed a summary of the types of information that are generally public and must be released. Although section 552.108 authorizes the district to withhold the remaining information from disclosure, the district may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/RWP/rho

Ref.: ID# 104431

Enclosures: Summary of Open Records Decision No. 127
Submitted documents

cc: Mr. Eli Salinas
Attorney-At-Law
P.O. Box 6865
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(w/o submitted documents)